

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-50 are now pending in this application. Claims 5-48 have been withdrawn from consideration.

### **Rejections under 35 U.S.C. § 112**

Claims 1-4, 49, and 50 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

The Office argues on page 4 of the Office Action that claims 1 and 2 are indefinite, arguing “the housing insert is not provided as a single piece” and that the “housing insert comprises both a wheel portion 54 and a ring portion 56,” citing paragraph 0058 of the specification. The Office states that “[f]or examination purposes this claim limitation is ignored.”

This rejection is based on an incorrect claim interpretation and reading of Applicant’s disclosure. First, the Office has clearly interpreted the claims by importing a limitation from Applicant’s specification, which is not proper. See MPEP § 2111.01, Part II, citing *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). Claims 1 and 2 do not recite that the housing comprises a wheel portion 54 and a ring portion 56. Instead, claims 1 and 2 recite that a housing insert forming a labyrinth seal path with a first housing portion is provided as a single piece.

Second, the disclosure of Applicant’s application clearly provides support for the features of claims 1 and 2, including the language “wherein the housing insert forming the

labyrinth seal path with the first housing portion is provided as a single piece.” For example, paragraph 0073 of Applicant’s specification states the following (emphasis added):

As mentioned above, the cover 52 is preferably cast around the metal insert 150, which includes the wheel portion 54 and the ring portion 56. As shown in FIG. 6C, the insert 150 can initially be formed as a single precursor piece 150' (e.g., by hot forging a suitable steel alloy blank). The aluminum cover 52 can be cast around the precursor piece 150'.

As a result, the disclosure of Applicant’s application provides support for the features of claims 1 and 2 and the Office has not correctly interpreted claims 1 and 2. Furthermore, all claim limitations must be given consideration even if they are judged to be indefinite. See MPEP § 2143.03. Ignoring claim limitations is not proper.

Claim 3 is rejected for having insufficient antecedent basis for the language “labyrinth seal.” Applicant respectfully submits that the amendments to the claims render this rejection moot.

For at least these reasons, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-4, 49, and 50 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent No. 6,585,092 to Smith *et al.* (hereafter “Smith”). This rejection is respectfully traversed.

Smith discloses a fan drive assembly 10 that includes an input shaft 12, a hub 16, a rotor 18, and a fan housing 31 that forms a labyrinth sealing path with a rim portion 20 of the hub 16 to prevent magnetorheological fluid from entering a bearing 26. See Smith at col. 3, lines 4-30. The assembly 10 further includes a fan cover body 40, a fan cover insert 42 with an inner wheel portion 48, a coil body 44, a coil cover 46, and a fluid reservoir. See Smith at col. 3, lines 33-39, and col. 5, line 64, to col. 6, line 3.

The Office argues on pages 5 and 6 of the Office Action that Smith provides a seal path between fan cover body 40 and inner wheel portion 48. However, if such a seal path is provided between the fan cover body 40 and the inner wheel portion 48 of Smith, it would not include ends that communicate with the fluid reservoir 86 of Smith. The Office argues on page 9 of the Office Action that the fan cover body 40 and the inner wheel portion 48 would provide a seal path with ends which communicate with the fluid reservoir 86 of Smith but does not explain or show where such ends exist. Smith does not describe the labyrinth seal path of claim 1.

In addition, the Office has stated on page 4 of the Office Action that the Office has interpreted the claims as though claims 1 and 2 do not include the feature that a housing insert forming a labyrinth seal path with a first housing portion is provided as a single piece. A rejection based on such an interpretation is not proper. See MPEP § 2143.03. Further, the Office has not shown that the device of Smith would include such a feature.

For at least the reasons discussed above, Smith does not anticipate claims 1-4, 49, and 50 because Smith does not disclose all of the features of claims 1 and 2. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-4, 49, and 50 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent No. 5,960,918 to Moser *et al.* (hereafter “Moser”). This rejection is respectfully traversed.

Moser discloses a viscous clutch assembly that includes an input shaft 12, a rotor assembly 14, a fan housing 16, a stator 18, a main housing 20, and a coil assembly 22. See Moser at col. 2, lines 29-33. The coil assembly 22 includes a coil body 80, coil windings 82, and a pair of coil rings 84. See Moser at col. 3, lines 19-23.

The Office argues on pages 6-9 of the Office Action that Moser provides a seal path between the main housing 20 and the coil body 80, with the main housing 20 serving as a first

housing portion and the coil body 80 serving as a housing insert. However, the Office does not show or explain where such ends of a seal path exist in the device of Moser.

If such a seal path is provided and exists between the main housing 20 and the coil body 80 of Moser, which Applicant does not concede, such a seal path does not include ends that communicate with a fluid reservoir, as recited in claims 1 and 2.

Further, should the Office consider the various components forming the coil body 80 to form a seal path leading back to a fluid reservoir of Moser, such as a hole for the bolt 88 or an interface between parts 84 and 86, such a path, if one would exist, is not formed by a housing insert that is provided as a single piece, as recited in claims 1 and 2.

In addition, the Office has stated on page 4 of the Office Action that the Office has interpreted the claims as though claims 1 and 2 do not include the feature that a housing insert forming a labyrinth seal path with a first housing portion is provided as a single piece. A rejection based on such an interpretation is not proper. See MPEP § 2143.03. Further, the Office has not shown that the device of Smith would include such a feature.

For at least the reasons discussed above, Moser does not anticipate claims 1-4 because Moser does not disclose all of the features of claims 1 and 2. Reconsideration and withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4011  
Facsimile: (202) 672-5399

By Matthew A. Smith

Matthew A. Smith  
Attorney for Applicant  
Registration No. 49,008

Kevin L. McHenry  
Attorney for Applicant  
Registration No. 62,582